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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,797	10/06/2004	Hung-Chang Tseng		5796

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BIRCH STEWART KOLASCH & BIRCH  
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EXAMINER
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LEA EDMONDS, LISA S

ART UNIT	PAPER NUMBER
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2835

NOTIFICATION DATE	DELIVERY MODE
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05/29/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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<b>Office Action Summary</b>	<b>Application No.</b> 10/711,797	<b>Applicant(s)</b> TSENG, HUNG-CHANG	
	<b>Examiner</b> Lisa Lea-Edmonds	<b>Art Unit</b> 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the joint (element 3 in the specification). It is noted that element 3 comprises elements 32 and 31 respectively. Both elements 32 and 31 are found in the figures, however element 3 is missing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2835

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Numano et al. (2003/0105892). With respect to claims 1 and 2, Numano et al. teaches a swinging display mounting structure comprising: a display (18), said display (18) having a display screen (20) on a front side thereof; a housing (5), said housing (5) having an open chamber (16b) for receiving said display (18); and a joint (21a, 21b, 22a, 22b) coupled between said housing (5) and said display (18), to support said display (18) in said receiving open chamber (16b) and enable said display (18) to be turned about an axis passing through said joint (21a, 21b, 22a, 22b) and set in one of a series of angular positions, including a hidden position, in which said display screen (20) faces said open chamber (16b) and the back of said display (18) is substantially parallel with the front of the housing (5), wherein said joint (21a, 21b, 22a, 22b) comprises two barrels (21a, 21b) fixedly and symmetrically provided at two opposite sides inside said receiving open chamber (16b), and two pivot pins (22a, 22b) respectively provided at two opposite lateral sides of said display (18) and respectively pivoted to said barrels (21a, 21b) as claimed, see for example figures 1-3.

4. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Stephany et al. (US Pub 2005/0013100). With respect to claim 1, Stephany teaches a swinging display mounting structure comprising a housing (50), said housing having a receiving open chamber (see Fig. 1), a display (20), said display having a display

Art Unit: 2835

screen, and a joint (hinge made of elements 40 and 60) coupled between said housing and said display to support said display in said receiving open chamber for enabling said display to be turned about an axis passing through said joint and set in one of a series of angular positions (see [0018] and Fig. 2). With respect to claim 4, Stephany teaches wherein said housing comprises a plurality of buttons (see Fig. 1a, 1b clearly teaching buttons used in conjunction with the display device) respectively electrically connected to said display for controlling the operation of said display. With respect to claim 5, Stephany teaches wherein said housing is installed in the headrest of a chair inside a motor vehicle ([0018] line 4 teaches the display as part of a bus seat).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephany et al. (US Pub 2005/0013100) in view of Tiffany (PN 0110402). With respect to claim 2, Stephany teaches the device as applied to claim 1 above, and where two hinging receptacles (60) are fixedly symmetrically provided at two opposite lateral sides inside said receiving open chamber and two pivot pins (40). Stephany fails to teach barrels. Tiffany teaches wherein a joint comprises two barrels (x), and two pivot pins (u) respectively pivoted to said barrels. It would have been obvious to a person of ordinary

skill in the electronics art to take the hinge of Tiffany and use it to hinge the pivoting display of Stephany for the benefit of simple inexpensive cast hinge connection. With respect to claim 3, Tiffany teaches wherein said barrels each have at least one stop portion projecting from an inside wall thereof (v, see Fig. 1); said pivot pins each have at least one protruded locating portion (t) for stopping against the at least one stop portion of the respective barrel to hold at one angular position. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephany et al. (US Pub 2005/0013100) in view of Hutzler et al. (US Pub 2006/0050018). With respect to claim 6, Stephany teaches the device as applied to claim 1, but lacks a teaching of an instrument panel. Hutzler teaches the conventionality of using display systems as part of an instrument panel (see [0126]). It would have been obvious to a person of ordinary skill in the electrical art to combine the display system of Stephany with the teaching of a instrument panel display for the benefit of an instrument panel have a display without sharp edges. With respect to claims 7, 8, and 9, Stephany lacks teaching of a motor or belt mechanism. Hutzler teaches a display means comprising a reversible motor adapted to drive the display and a belt transmission mechanism coupled to the display and motor (see [0082] teaching a motor and belt system for automatically actuating a display). Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Stephany et al. (US Pub 2005/0013100) in view of Herzer et al. (PN 3,655,241). Stephany teaches the device as applied to claim 1 above, but lacks teaching of a channel bar. Herzer teaches a channel bar (12) fixedly horizontally mounted in a bottom side of said housing, said channel bar having a plurality of mounting holes aligned in a line (holes for screws 14), two slotted

Art Unit: 2835

sliding blocks (10) slidably inserted into said channel bar, said slotted sliding blocks each having a vertically downwardly extended mounting rod. (20) for mounting, and two screw bolts (14) respectively inserted through said slotted sliding blocks and selectively fastened to the mounting holes of said channel bar to affix said sliding blocks to said channel bar. It would have been obvious to a person of ordinary skill in the electronics art to mount the headrest taught by Stephany in the same manner taught by Herzer for the benefit of an adjustable headrest. With respect to claim 11, Herzer teaches a soft cover means (9) fixedly fastened to said housing outside said receiving open chamber for use as a headrest.

### ***Response to Arguments***

7. Applicant's arguments filed 03/05/07 have been fully considered but they are not persuasive. With respect to applicant's arguments that Stephany et al. fails to teach or fairly suggest, "...*the back of the display is substantially parallel with the front of the housing*" as claimed. It is believed that applicant is attempting to equate "substantially parallel" with being "flat". This simply is incorrect, neither "substantially" nor "parallel" implies a specific shape i.e. "flat". Substantially implies most but not all, ample or considerable amounts; parallel implies extending in the same direction or plane. With the understanding that neither "substantially" nor "parallel" implies a specific shape, it is clear that applicant's arguments are without merit and therefore are not persuasive. Therefore the rejections of claims 1-11 are deemed proper and are maintained herein. With respect to applicant's argument that the secondary reference fails to overcome the

Art Unit: 2835

deficiencies of primary reference. It is noted that the primary reference Stephany et al. teaches "...the back of the display is substantially parallel with the front of the housing", in that a substantial part of the arc shaped display and base of Stephany et al. is parallel at some point. That is both the display and base are extending in the same direction or plane thus making them parallel at the point.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Stephany et al. (20050141181), Weng et al. (7110248), Numano et al. (6744623), Koshika (6404623), Schwartz et al. (6013878), Labaze (5640297), Kutzehr et al. (6557812), Tsukada et al. (6295883), Merkel (6137676), Tuccinardi et al. (7040697) and Numano et al. (20030105892).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of




Art Unit: 2835

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Lisa Lea-Edmonds  
Primary Examiner  
Art Unit 2835

2007-05-22